



RICHARD W. STANEK
HENNEPIN COUNTY SHERIFF

October 29, 2016

VIA Email

Minnesota State Senators Dibble and Torres-Ray and
State Representatives Clark, Hornstein, Allen, Flanagan,
Wagenius, Dehn, Freiberg, Hausman, Fischer, Liebling,
Mariani, Bly, Loeffler, and Lillie

Dear Honorable Senators & Representatives,

I am in receipt of your letter of yesterday, and appreciate your advocacy for your political cause. The Hennepin County Sheriff's Office takes no position on the merits of the North Dakota pipeline dispute. However, deputies from my Agency were deployed through the State of Minnesota on an "EMAC Mission." This was not a political, but an operational response to a request for assistance. Contrary to the claims in your letter, we have not picked a side, our mission is to assist in maintaining public safety, preserving the peace, and protecting the constitutional rights of protestors.

On October 18, the State of North Dakota made an "URGENT" request for sworn officers to assist in Morton County at the Dakota Access Pipeline Protest. On October 20, Joe Kelly, the Director of Homeland Security Emergency Management ("HSEM") confirmed that the State of Minnesota and the Office of Governor Mark Dayton received the request. On that same date HSEM, a Division of the Department of Public Safety ("DPS") sent out its Emergency Management Assistant Compact ("EMAC") **Mission Order Authorization Form**. This document names the State of Minnesota as the "assisting state" and was prepared and distributed by the Governor's appointees, HSEM Director Joe Kelly and DPS Commissioner Mona Dohman.

The **Mission Order Authorization Form** clearly states on page 6, that these deputies are "deployed on an EMAC mission," and they must operate "under the direction and control of [their] home state." Please see the attached pages 1 and 6 from this document.

On October 21, HSEM Director Joe Kelly signed the Compact between the State of Minnesota and three Sheriffs' Offices, which confirmed the authorization, set the terms for reimbursement (in our case, from North Dakota, to Minnesota, to Hennepin County.) ***Accordingly, the Governor's Office and the State of Minnesota authorized the mission, signed the contact, secured the reimbursement agreement and approved the plan two days before deputies departed for North Dakota.*** A portion of this document also is attached for your reference.



The State of Minnesota's participation in the national Emergency Management Assistance Compact, and the actions of Dohman, Kelly and the Governor's Office --and this particular EMAC Mission -- are expressly authorized in Minnesota Statutes:

Minnesota Statutes Section 12.27, Mutual Aid Arrangements

Subd. 2: Authority; organization in other states

*The state director...may, **subject to the approval of the governor**, enter into mutual aid arrangements with emergency management agencies or organizations in other states for reciprocal emergency management aid assistance in case of disaster too great to be dealt with unassisted.*

Subd. 4: Providing assistance to another state.

At the request of another state, the governor, exercising discretion and considering the needs of this state and its inhabitants, may dispatch state equipment and personnel as deemed necessary if there is an emergency or disaster outside this state. The governor shall end the use of equipment and personnel when the need no longer exists or earlier at the governor's discretion if it appears to be in the best interest of the state.

More importantly, as elected officials you should understand the importance of mutual aid agreements among states and law enforcement agencies. Mutual Aid agreements are an operational reality for all law enforcement agencies small and large. Every large event in the State of Minnesota is likely to include partnerships among law enforcement agencies to protect public safety and preserve the peace. The All-Star Game, the upcoming Super Bowl, national conferences, the Minneapolis Tornado, the 35W Bridge Collapse all are examples of incidents, events and/or emergencies where law enforcement personnel and resources were or will be shared among jurisdictions (city, county, and state).

All agencies agree in advance to a reimbursement structure for all related expenses. This is a necessary and good use of taxpayer dollars. No city or county alone could afford to maintain 365 days a year all the personnel and resources needed to respond to all hazards, all emergencies, and all public safety events that might occur.

The EMAC system is a mutual aid agreement and partnership between all 50 states, allowing states to assist one another during emergencies and when state and local resources are overwhelmed. The system was designed to ensure that even the smallest cities and counties have all the ready resources they may need, and at the heart of the program is the expectation that we wouldn't tolerate or allow any one community's need to be ignored, or a plea for assistance to remain unanswered.

The Emergency Management Assistance Compact ("EMAC") was developed in 1996 to ensure essential personnel and resources are available to respond in any state of emergency, at any time, and at any location in the United States. In fact the EMAC has been ratified by Congress and has been adopted in all 50 states.



When the Governor of the State of North Dakota declared a State of Emergency due to the situation in Morton County, ND (a county of less than 30,000 people) the State of North Dakota also launched the Emergency Management Assistance Compact for assistance in following the requirements of a federal court order. Since the Governor of the State of North Dakota declared a State of Emergency in August, there have been dozens of states and agencies that have sent hundreds of law enforcement officers to assist.

Deputies from this Agency also have assisted in the emergency response to Hurricane Katrina in 2005, the Red River flooding in North Dakota in 2009, and the Cedar Rapids Iowa floods in 2008, among others. Similarly, in 2013 and 2014, Hennepin County worked with our State's Homeland Security and Emergency Management Department to prepare to make a similar request for aid in advance of threatened floods and a state of emergency in Hennepin County. On any given day any county or state in the nation may be at risk, and in need.

This is not a political but an operational matter for the responding Sheriffs Offices. We know that we may have to make a similar call one day, and because of the EMAC system we won't have to wonder whether help will arrive when it is needed for our residents and for our communities. ***If you make mutual aid political, it will jeopardize the public safety of residents all across the State of Minnesota and in your communities.***

Please also be aware, I spoke with Representative Karen Clark of your group on Friday afternoon, within an hour of the time you delivered this letter. I asked her to meet with me in my office, and I asked her to invite all of you. She declined. I am still willing to meet with you, but we would all be best served if we could be joined by Lt. Governor Tina Smith so we could all confirm the facts and set the record straight.

Sincerely,

A handwritten signature in black ink, reading "Rich Stanek". The signature is written in a cursive, flowing style.

Richard W. Stanek
Hennepin County Sheriff

**Emergency Management Assistance Compact (EMAC)
EMAC Mission Order Authorization Form**

Personnel deploying on this mission are under the authority of the Emergency Management Assistance Compact Law passed in all 50 states, the District of Columbia, U.S. Virgin Islands, Puerto Rico, and Guam.			
The Resource Provider, responsible for identifying personnel who will be deployed on this mission, has identified individuals who have the skills, knowledge, and abilities to conduct the mission herein.			
Requesting State:	ND	Assisting State:	MN
Event Name:	Dakota Access Pipeline (DAPL) Protest October 2016	Requesting State #:	16-073-135
EMAC #	1102-RR-5280	Assisting State #:	MN-0001-2016
Mission Start Date:	10/23/2016	Arrival Date:	10/23/2016
Departure Date:	████████	Mission End Date:	████████
Mission Type	State	Type/Status:	Law Enforcement
Mission Description	URGENT Up to 50 Sworn Law Enforcement Officers (All offers regardless on quantity will be considered.)		
Resource Description	Officers will be assisting in a situation involving civil unrest and criminal activities related to opposition of the Dakota Access Pipeline (DAPL) project, primarily in southern Morton County in North Dakota.		

Deployment Stage Checklist:

1. Report to your designated staging area for in-processing and forward movement to your work location.
2. Obtain a situational briefing.
3. Perform a communications check with your team/co-workers.
4. Notify your home state Emergency Management Agency, home agency/local government and family of your arrival.
5. Confirm your mission assignment. If there are differences from the approved mission, mission location, lodging provisions, or meal arrangements, or if there are differences in estimated costs, **immediately contact your home state emergency management agency for advice on how to proceed.**
6. Report to your assigned work location. Note: While deployed on an EMAC mission you are under the operational control of the requesting agency. You work in support of the response. You do not lead the response unless directed to do so. You remain under the direction and control of your home state and may be recalled home should conditions warrant.
7. Work with the requesting agency to determine a plan for sustained operations and establish work shifts to support operation
8. Carry out your assigned mission. Keep daily records of hours worked, activities performed and expenses incurred.
9. Maintain periodic contact with your home state Emergency Management Agency, your home agency/local government and your family.
10. Document any damage to equipment with pictures and written documentation, and notify your home state Emergency Management Agency as soon as the damage occurs.
11. Be attentive to any changes to your work assignment or location that may necessitate an amendment to your mission deployment. Contact your home state Emergency Management Agency immediately if changes occur.

**INTERGOVERNMENTAL AGREEMENT (IGA)
NON-GOVERNMENTAL ORGANIZATION AGREEMENT (NGOA)
TRIBAL AGREEMENT (TA)**

Between

MN Department of Public Safety
Homeland Security and
Emergency Management
445 Minnesota Street, Suite 223
St. Paul, MN 55101-6223

and

Hennepin County Sheriffs Office

Organization or Provider

Contact Person: _____
Phone: _____
E-mail: _____

Contact Person: _____
Phone: _____
E-mail: _____

INTRODUCTION:

The Minnesota Department of Public Safety, Homeland Security & Emergency Management [HSEM], pursuant to Minnesota Statutes, Sections 12.27, subd. 2, and 192.89, the "Interstate Emergency Management Assistance Compact" (EMAC), coordinates emergency management and interstate mutual aid for the State of Minnesota. EMAC is the interstate mutual aid agreement to which all states belong that allows states to assist each other in times of disaster. When any member state's Governor declares a disaster or when a disaster is imminent, other member states may agree to provide assistance in response to requests from the impacted state(s). The assistance from other member states may be in the form of personnel and/or other resources.

EMAC has been implemented to assist the State(s) of North Dakota

to respond to Dakota Access Pipeline (DAPL) Project

In response to pending EMAC requests, HSEM through the Minnesota Emergency Management Assistance Compact (MN-EMAC) has identified experienced and qualified public/private/tribal employees who are available to deploy and have agreed to assist with the response and recovery missions in North Dakota.

BY: 
Joe Kelly, Director
Minnesota Homeland Security & Emergency Management

10/21/2016
Date